THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :24824 of 2007

DATED:22-11-2007

BETWEEN:

Kotwal Mahaboob Bee.

..... PETITIONER

AND

The Revenue Divisional Officer,
Kadapa Division,
Kadapa District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in not granting stay order on the petition in the appeal filed against the order in Ref.No.B/386-11/2006, dated 03-05-2007, from the file of the 2nd respondent, as illegal, and arbitrary.

3. It is the case of the petitioner that she is the absolute owner and possessor of an extent of Ac.2.27 cents in Sy.No.996/2A of Rayachoty village and mandal, Kadapa District. Whileso, the 2nd respondent-Tahsildar, Rayachoty mandal issued a show cause notice, dated 08-12-2006, under the provisions of the A.P.Assigned Land(Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') and the rules made thereunder, calling upon the petitioner as to why she should not be summarily evicted on the ground that the said land is an assigned land and the petitioner purchased the said land in contravention of sub-Section 2 of Section 3 of the Act. Petitioner submitted an explanation, and thereafter, 2nd respondent passed order in Ref.No.B/386/11/2006, dated 03-05-2007, holding that the said land is the assigned land in favour of one

Rangeen Saheb in the year, 1955 and the said land is not alienable/transferable but only inheritable and accordingly, the said land was resumed for the purpose of assignment to the landless poor. It is stated that as against the said order, dated 03-05-2007, petitioner filed an appeal before the 1st respondent-Revenue Divisional Officer, Kadapa on
15-11-2007.

4. Under Section 4(A) of the Act appeal has to be filed within ninety days from the date of receipt of the order. It is stated that as the said order, dated 03-05-2007, was served on the petitioner on 15-05-2007, ninety days period is expired on 15-08-2007 and accordingly, petitioner filed an application to condone the delay in filing the appeal along with a stay application. It is further stated that the delay condonation application, and stay application are pending before the 1st respondent, but however, 1st respondent is not taking any steps to dispose of the stay application.

5. Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, 1st respondent is directed to consider and dispose of the delay condonation application as well as the stay application as expeditiously as possible, preferably within two weeks from the date of receipt of a copy of this order.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

22nd November, 2007.

Note:

Furnish C.C. of the order by tomorrow.

B/o

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